

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE NONJUDICIAL CIVIL FORFEITURE	:	<u>STIPULATION AND ORDER</u>
PROCEEDING REGARDING \$298,695 IN		
UNITED STATES CURRENCY SEIZED ON	:	22 Misc. <u>119</u>
OR ABOUT OCTOBER 27, 2021		
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WHEREAS, on or about October 27, 2021, in the vicinity of 14th Avenue, College Point, New York, the U.S. Drug Enforcement Administration (“DEA”) seized \$298,695.00 in United States currency (the “Seized Currency”) from an individual concurrently arrested on suspicion of laundering narcotics proceeds;

WHEREAS, the DEA initiated an administrative forfeiture proceeding against the Seized Currency upon the contention that the Seized Currency was subject to federal forfeiture as proceeds of controlled substance violations;

WHEREAS, on or about January 27, 2022, the DEA received a CAFRA Seized Asset claim form from Diovany Gutierrez (the “Claimant”) asserting an ownership interest in the Seized Currency;

WHEREAS, no other party has claimed an interest in the Seized Currency;

WHEREAS, Title 18, United States Code, Section, 983(a)(3)(A) provides that, “[n]ot later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a Court in the district in which the complaint will be filed may extend the period for filing a complaint for

good cause shown or upon agreement of the parties”;

WHEREAS, pursuant to Title 18, United States Code, Section, 983(a)(3), the United States is required to file a civil complaint to forfeit the Seized Currency no later than April 27, 2022;

WHEREAS, the Government, by and through United States Attorney Damian Williams, Assistant United States Attorneys Sheb Swett and Emily S. Deininger, of counsel, and Claimant, Diovany Gutierrez, by and through his attorney, Jacek Lentz, Esq., are discussing a possible disposition of this case;

WHEREAS, the Claimant, through counsel, has consented to a 90-day extension of the deadline for the Government to file a complaint against the Seized Currency in order to continue those discussions;

WHEREAS, Jacek Lentz, Esq., counsel for the Claimant, represents and warrants that he is authorized to execute this Stipulation on behalf of his client, Diovany Gutierrez; and

WHEREAS, the Government requests an extension of 90 days to file a complaint from April 27, 2022 to July 26, 2022;

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NOW, THEREFORE, IT IS HEREBY ORDERED, upon agreement of the
aforementioned parties and pursuant to Title 18, United States Code, Section 983(a)(3)(A), that
the time in which the Government is required to file a complaint for forfeiture of the Seized
Currency is extended from April 27, 2022, up to and including July 26, 2022.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By:



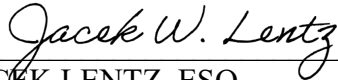
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4/26/2022

DATE

CLAIMANT DIOVANY GUTIERREZ

By:



4/21/2022

JACEK LENTZ, ESQ.
Attorney for Claimant
The Lentz Law Firm, P.C.
9171 Wilshire Boulevard, Suite 500
Beverly Hills, CA 90210
Telephone: (213) 250-9200

SO ORDERED:

UNITED STATES DISTRICT JUDGE, PART I

DATE